

CHAPTER 473

H.B. No. 1960

AN ACT

relating to certain proceeds subject to a security interest.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 9.306(d), Business & Commerce Code, is amended to read as follows:

(d) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest only in the following proceeds:

(1) in identifiable non-cash proceeds and in separate deposit accounts containing only proceeds;

(2) in identifiable cash proceeds in the form of money which is neither commingled with other money nor deposited in a deposit account prior to the insolvency proceedings;

(3) in identifiable cash proceeds in the form of checks and the like which are not deposited in a deposit account prior to the insolvency proceedings; ~~and~~

(4) in all cash and deposit accounts of the debtor in which proceeds have been commingled with other funds, but the perfected security interest under this Subdivision (4) is

(A) subject to any right of set-off; and

(B) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings less the sum of (I) the payments to the secured party on account of cash proceeds received by the debtor during such period and (II) the cash proceeds received by the debtor during such period to which the secured party is entitled under Subdivisions (1) through (3) of this Subsection (d); *and*

*(5) in all cash and deposit accounts of the debtor in which proceeds have been commingled with other funds, if the perfected security interest under this Subdivision (5) is provided by Section 9.319 of this code.*

SECTION 2. This Act applies only to an insolvency proceeding instituted on or after the effective date of this Act. An insolvency proceeding before the effective date of this Act is governed by the law in effect when the proceeding was instituted, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 20, 1989, by the following vote: Yeas 141, Nays 0, 1 present, not voting; passed by the Senate on May 25, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective June 14, 1989.

---

CHAPTER 474

H.B. No. 1964

AN ACT

relating to access to criminal history record information of applicants for a teaching certificate.

1646

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter B, Chapter 13, Education Code, is amended by adding Section 13.0321 to read as follows:

*Sec. 13.0321. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF APPLICANTS FOR A TEACHING CERTIFICATE. (a) The Central Education Agency is entitled to obtain criminal history record information that relates to an applicant for a teaching certificate.*

*(b) The agency shall obtain information under this section from any law enforcement agency, including the United States Department of Justice, the Department of Public Safety, the Texas Department of Corrections, and a municipal police department.*

*(c) The agency shall exchange any information or other data required in cooperation with a law enforcement agency from whom criminal history record information is requested, including social security numbers, dates of birth, fingerprint data, or information relating to the physical characteristics of an applicant for a teaching certificate.*

*(d) Criminal history record information obtained under this section may be used by the agency for any purpose related to the issuance, denial, suspension, or cancellation of a teaching certificate issued by the agency.*

*(e) Criminal history record information received by the agency under this section is confidential and is for the exclusive use of the agency under this section. Except on court order or with the consent of the applicant for a teaching certificate, the criminal history record information may not be released to any other person or agency. The agency shall destroy the records after the records are used for the purposes authorized under this section.*

*(f) A person who releases criminal history record information obtained under this section in violation of this section commits an offense. An offense under this subsection is a misdemeanor punishable by confinement in county jail for a term not to exceed six months, by a fine not to exceed \$1,000, or by both such confinement and fine. An offense under this subsection is an offense involving official misconduct.*

SECTION 2. This Act takes effect September 1, 1989.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 12, 1989, by a non-record vote; passed by the Senate on May 26, 1989, by the following vote: Yeas 31, Nays 0.

Approved June 14, 1989.

Effective Sept. 1, 1989.

## CHAPTER 475

### H.B. No. 1976

#### AN ACT

relating to a county judge or commissioner or other local public official serving as an officer or director of another entity.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 81.002, Local Government Code, is amended by adding Subsection (c) to read as follows:

*(c) Subject to the provisions of Chapter 171, the county judge or a county commissioner may serve as a member of the governing body or as an officer or director of another entity, except:*